

**THURSDAY, MAY 22, 1997**

**FORTY-SIXTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by George Gracey, First Presbyterian Church, Clarksville, Tennessee.

Representative McMillan led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. McMillan was recognized in the Well to introduce and honor Presidential Scholar, Melissa Shippen.

**RULES SUSPENDED**

Rep. McMillan moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 333 out of order, which motion prevailed.

**House Joint Resolution No. 333** -- Memorials, Academic Achievement - Melissa Shippen, Presidential Scholar, by \*McMillan, \*Head.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McMillan, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### BILLS WITHDRAWN

On motion of Rep. Walker, **House Bill No. 548** was withdrawn from the Consent Calendar and the House.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 63:** Rep(s). Naifeh, Goins, Burchett, Boyer, Givens, Cross, Godsey, Walley, Winningham, Sharp, Wood, Robinson, Ridgeway, White, Kent, Stulce, Ferguson, Mumpower, Boner, Clabough, Newton, Kisber, Head, Cole (Carter), Kerr, McDaniel, Sargent and Bittle as prime sponsor(s).

**House Joint Resolution No. 242:** Rep(s). Hood and Eckles as prime sponsor(s).

**House Bill No. 529:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 785:** Rep(s). Stamps and Hood as prime sponsor(s).

**House Bill No. 1636:** Rep(s). Maddox, Fitzhugh and McDaniel as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1242; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1242** -- Privacy, Confidentiality - Excepts communications between health care providers from confidentiality under Patient's Privacy Protection Act. Amends TCA Title 68, Chapter 11, Part 15. by \*Herron.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 303 and 304; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 303** -- Memorials, Academic Achievement - Jerry Wayne Smith, Valedictorian, Beech High School. by \*Graves.

**Senate Joint Resolution No. 304** -- Memorials, Academic Achievement - Jeanna Emert, Salutatorian, Hendersonville High School. by \*Graves.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 90** -- General Assembly, Studies - Creates special house committee to study problems associated with integrating ex-offenders into mainstream of society. by \*DeBerry J.

Calendar & Rules Committee

**\*House Resolution No. 91** -- General Assembly, Studies - Creates special house committee to study highway safety and to draft comprehensive highway safety act. by \*DeBerry J.

Calendar & Rules Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 27, 1997:

**House Resolution No. 95** -- Memorials, Sports - Christy Baird, West High School track and cross-country star. by \*Dunn, \*Burchett.

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**House Joint Resolution No. 345** -- Memorials, Death - Isaac "Charles" Shoffner. by \*Goins.

**House Joint Resolution No. 346** -- Memorials, Congratulations - Big Ridge Elementary School, 1996-1997 Advocates for Children Award. by \*Stulce.

**House Joint Resolution No. 348** -- Memorials, Interns - Sasha-Gaye Angus. by \*Jones U (Shelby), \*Tindell, \*Langster.

**House Joint Resolution No. 349** -- Memorials, Public Service - John Laurens Tullock. by \*Burchett.

**House Joint Resolution No. 350** -- Memorials, Interns - Giovanni N. Dortch. by \*Ritchie.

**House Joint Resolution No. 351** -- Memorials, Academic Achievement - Melissa Sue Gill, Salutatorian, Claiborne County High School. by \*Goins.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 27, 1997:

**Senate Joint Resolution No. 303** -- Memorials, Academic Achievement - Jerry Wayne Smith, Valedictorian, Beech High School. by \*Graves.

**Senate Joint Resolution No. 304** -- Memorials, Academic Achievement - Jeanna Emert, Salutatorian, Hendersonville High School. by \*Graves.

**Senate Joint Resolution No. 308** -- Memorials, Interns - Renee Chapman. by \*Haynes.

**Senate Joint Resolution No. 309** -- Memorials, Sports - Gordonsville High School girls' basketball team. TSSAA Class A State Tournament Semi-finalist. by \*Rochelle.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2022** -- Dickson - Subject to local approval, merges and creates governing body for water and wastewater system of city of Dickson and water system of Turnbull utility district. by \*Jackson.

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**House Bill No. 2023** -- Cleveland - Subject to local approval, establishes as requirement for eligibility to vote in city elections that non-resident property owners must own parcel of at least 5,000 square feet. Amends Chapter 78 of the Private Acts of 1993, as amended. by \*Bird.

**House Bill No. 2024** -- Rhea County - Grants juvenile and domestic relations jurisdiction to general sessions court. - to create a Family Court for Rhea County, Tennessee. by \*Walker.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 901** -- Education - Sets kindergarten age at five and mandatory school attendance age at six rather than seven years of age; exempts certain home school or non-public school students. Amends TCA Title 49, Chapter 6, Part 30. by \*Dixon, \*Graves, \*Crutchfield. (HB1378)

**Senate Bill No. 981** -- Education, Higher - Requires Tennessee Student Assistance Corporation to report noncompliance with student loan programs by institution to THEC. Amends TCA Title 49. by \*Ford J. (\*HB586)

**Senate Bill No. 1241** -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; updates uniform laws in this area. Amends TCA Title 68, Chapter 30. by \*Herron, \*Haynes, \*Williams. (\*HB371)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2016** -- Sevier County -- Local Bill Held on House Desk

**House Bill No. 2017** -- Warren County -- Local Bill Held on House Desk

**House Bill No. 2018** -- Hamilton County -- Local Bill Held on House Desk

**House Bill No. 2019** -- Niota -- Local Bill Held on House Desk

**House Bill No. 2020** -- Hartsville -- Local Bill Held on House Desk

**House Bill No. 2021** -- Jackson -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 22, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 27, 1997**: House Bill(s) No(s). 116, 1404, 1553, 1227, 973, 1104, 1854, 905, 697, 330, 65, 114, 570, 1140, 191, 192, 533, 586, 1501, 1394, 1395, 1878, 1662, 1536, 1786, 1329 and 989; also, House Joint Resolution(s) No(s). 29, 48, 52, 194, 196 and House Resolution(s) No(s).71.

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 28, 1997**: House Bill(s) No(s). 1836

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 27, 1997**: House Bill(s) No(s). 1912, 1843, 1767, 1820 and 1677; also, House Joint Resolution(s) No(s). 248, 309, 287, 330, 341, 49, 199, 280, 281, House Resolution(s) No(s). 68 and Senate Joint Resolution(s) No(s). 85, 22, 61 and 222.

The Committee set the following bill(s) and/or resolution(s) on the **Message Calendar** for **May 27, 1997**: House Bill(s) No(s). 94.

CONSENT CALENDAR

**\*House Bill No. 394** -- Courts - Makes certain changes to allow for addition of in-house collection procedure to collect fines, litigation taxes, and costs. Amends TCA Title 40, Chapter 24. by \*Kent. (SB645 by \*Person)

**House Bill No. 642** -- Shelby County - Subject to local approval, authorizes county library tax increase charged in court actions from \$2.00 to \$4.00. Amends Chapter 275 of the Private Acts of 1970. by \*Kent. (SB532 by \*Cohen)

**House Bill No. 2005** -- Kenton - Subject to local approval, authorizes operation of schools or entering into cooperative agreements with Kenton Special School District Amends Chapter 87 of the Private Acts of 1981. by \*Phelan. (SB2016 by \*Carter)

**House Bill No. 2006** -- Kenton - Revives Kenton Special School District; provides for election, tax and bonds. Amends Chapter 84 of the Private Acts of 1947. by \*Phelan. (SB2017 by \*Carter)

**\*House Resolution No. 82** -- General Assembly, Directed Studies - Requests comptroller's division of state audit to conduct performance evaluation of state programs and policies to recruit and retain adequate numbers of African American teachers and administrators within public education system. by \*Armstrong, \*Brown, \*Townes, \*Cooper B, \*Langster, \*DeBerry J, \*Bowers, \*Jones U (Shelby), \*DeBerry L, \*Pruitt, \*Miller L, \*Turner (Shelby), \*Brooks.

**House Resolution No. 88** -- Memorials, Interns - Christopher Lee Harmon. by \*Rinks.

**House Resolution No. 92** -- Memorials, Interns - Rachele Scott. by \*Pinion.

**House Resolution No. 93** -- Memorials, Personal Achievement - Miss Lindsay Michelle Robinson, Arthrogyrosis patient. by \*Kerr, \*Clabough.

**House Resolution No. 94** -- Memorials, Recognition and Thanks - Eleanor Bright. by \*Langster, \*Williams (Williamson), \*Pruitt, \*Jones U (Shelby), \*West, \*Jones, S., \*Armstrong, \*Halteman Harwell, \*Hargrove.

**\*House Joint Resolution No. 222** -- General Assembly, Statement of Intent or Position - Expresses concern about governor's proposal to abolish department of mental health and mental retardation and merge its functions and responsibilities into expanded department of health. by \*Cross.

**\*House Joint Resolution No. 242** -- Highway Signs - "Kelley Creek Bridge," S.R. 99, Rutherford County. by \*Beavers.

**\*House Joint Resolution No. 244** -- General Assembly, Directed Studies - Directs TDOT to conduct study relative to feasibility of constructing bypass connecting U.S. 64 to S.R. 50 in Franklin County. by \*Fraleigh.

**House Joint Resolution No. 329** -- Memorials, Sports - 1996-1997 Collingwood girls' basketball team, TSSAA Class A state tournament final four.I. by \*Tidwell.

**House Joint Resolution No. 332** -- Memorials, Retirement - Evelyn Blythe. by \*Maddox, \*Ridgeway, \*Pinion.

**House Joint Resolution No. 334** -- Memorials, Academic Achievement - Yvonne T. Jones, highest G.P.A., Morristown-Hamblen West High School. by \*Ford S.

**House Joint Resolution No. 335** -- Memorials, Interns - Matthew Barnes. by \*Hargrove, \*Buck.

**House Joint Resolution No. 336** -- Memorials, Interns - Jennifer Eberle. by \*Hargrove, \*Head, \*McMillan.

**House Joint Resolution No. 337** -- Memorials, Professional Achievement - Baxter Wheatley. by \*Pinion.

**House Joint Resolution No. 338** -- Memorials, Personal Occasion - Ruby Mae Todd Stoker, 90th birthday. by \*Beavers.

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**House Joint Resolution No. 339** -- Memorials, Professional Achievement - Fred Holtzclaw, Oak Ridge High School teacher, Presidential Award for Excellence in Mathematics and Science Teaching. by \*Caldwell.

**House Joint Resolution No. 340** -- Memorials, Academic Achievement - Hixson High School Air Force Junior R.O.T.C., Honor School for 1996-1997. by \*Stulce.

**House Joint Resolution No. 342** -- Memorials, Retirement - Vera M. Owen, Reelfoot Regional Library. by \*Maddox, \*Pinion, \*Ridgeway, \*Tidwell, \*Phelan.

**House Joint Resolution No. 343** -- Memorials, Academic Achievement - Harry Allen, National Leadership and Service Award. by \*Langster, \*Jones U (Shelby), \*Pruitt, \*West, \*Jones, S., \*Armstrong, \*Halteman Harwel, \*Hargrove.

**House Joint Resolution No. 344** -- Memorials, Interns - Angela Lynn Smith. by \*Ridgeway.

**\*Senate Joint Resolution No. 84** -- General Assembly, Confirmation of Appointment - Hubert L. McCullough, State Board of Education. by \*Womack, \*Atchley, \*Henry, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Graves, \*Harper, \*Haun, \*Haynes, \*Herron, \*Jordan, \*Koella, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**\*Senate Joint Resolution No. 99** -- Highway Signs - "Ralph Dyer and Roy Weatherspoon Bridge," spanning Duck River on S.R. 50 in Hickman County. by \*Springer.

**\*Senate Joint Resolution No. 101** -- Highway Signs - "Hunt McClanahan and Will Wilkins Bridge," S.R. 50, Hickman County. by \*Springer.

**\*Senate Joint Resolution No. 179** -- Highway Signs - "Farris Baker-Tilman Nash Memorial Bridge," S.R. 50, Hickman County. by \*Springer.

**\*Senate Joint Resolution No. 196** -- General Assembly, Confirmation of Appointment - Ed Williams, State Forestry Commission. by \*Ramsey, \*Crowe.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**\*House Bill No. 394:** by Rep. Brooks

Under the rules, House Bill No: 394 was/were placed at the foot of the calendar for May 27, 1997.

On previous motion, House Bill No. 548 was withdrawn from the Consent Calendar and the House.



Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 347 out of order, which motion prevailed.

**House Joint Resolution No. 347** -- General Assembly, Adjournment, Recess - Recesses House of Representatives from Thursday, May 22 to Tuesday, May 27, at 3:00 p.m. by \*Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Without objection, Rep. Kent moved to suspend the rules to allow House Bill No. 394 to be heard at the Heel of today's Regular Calendar.

REGULAR CALENDAR

**Senate Bill No. 1405** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1. by \*Henry. (\*HB629 by \*Garrett)

Further consideration of Senate Bill No. 1405, previously considered on May 5, 1997, May 8, 1997, and May 12, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 1, and reset to today's Calendar.

Rep. Garrett moved that **Senate Bill No. 1405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 763** -- Criminal Procedure - Gives general sessions court concurrent jurisdiction with juvenile court to try misdemeanor cases of nonsupport and conduct preliminary hearings in felony nonsupport cases Amends TCA Title 39, Chapter 15. by \*Jackson. (\*SB1372 by \*Rochelle)

Further consideration of House Bill No. 763, previously considered on May 15, 1997, and reset to today's Calendar.

Rep. Jackson moved that House Bill No(s). 763 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**\*House Bill No. 1680** -- Alcoholic Offenses - Increases criminal penalties for beer sales to minors Amends TCA Title 57, Chapter 5, Part 3. by \*Burchett. (SB1822 by \*Gilbert, \*Person)

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Further consideration of House Bill No. 1680, previously considered on May 15, 1997, and May 19, 1997, and reset to today's Calendar.

Rep. Burchett moved that House Bill No(s). 1680 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

**Senate Bill No. 1883** -- Funeral Directors and Embalmers - Permits prevailing party proving fraud in civil action relative to pre-need funeral contracts to receive treble damages, attorney fees, costs, and interest; requires yearly audits of persons that sell pre-need funeral contracts; requires commissioner to promulgate and revise rules concerning pre-need funeral contracts. Amends TCA Title 56, Chapter 34 and Title 62, Chapter 5, Part 4. by \*McNally. (\*HB1792 by \*Burchett, \*Pleasant, \*Haley, \*Hargett)

Further consideration of Senate Bill No. 1883, previously considered on May 19, 1997, at which time the Senate Bill was substituted for the House Bill, and reset to today's Calendar.

Rep. Burchett moved that Senate Bill No. 1883 be passed on third and final consideration.

Rep. Garrett moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1883 by adding the following new sections to precede the effective date section:

SECTION\_\_\_\_. Tennessee Code Annotated, Title 62, Chapter 5, Part 4, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. In civil actions in which the prevailing party proves fraud relative to a pre-need sales contract for cemetery merchandise and services under this part, such prevailing party shall receive treble damages together with attorneys' fees, costs, and interest.

SECTION\_\_\_\_. Tennessee Code Annotated, Section 46-2-410(f) is amended by deleting such subsection in its entirety and by substituting instead the following:

(f) The commissioner shall promulgate and may from time to time revise rules and regulations for carrying out the intentions of this part in accordance with the uniform administrative procedures act compiled in title 4, chapter 5. The commissioner shall require an annual audit to ensure that each person, firm, or corporation which

offers or enters into a contract for the sale of merchandise or services under this chapter will be able to perform its contract with the purchaser.

On motion, Amendment No. 2 was adopted.

Rep. Garrett moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1883 by adding the following new section to be appropriately designated:

SECTION \_\_\_\_\_. The commissioner shall also conduct an annual audit of cemetery improvement care trust funds.

On motion, Amendment No. 3 was adopted.

Rep. Burchett moved that **Senate Bill No. 1883**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 988** -- Insurance, Health, Accident - Requires disclosure to patients by health care providers of financial contracts and arrangements between provider and health care plan, including reporting bonuses or other incentives to reward provider for

reducing or limiting range and amount of services rendered. Amends TCA Title 56; Title 63; Title 68 and Title 71. by \*Clabough, \*Walley, \*Pleasant, \*Haley, \*Hargett, \*Caldwell. (\*SB629 by \*Person)

Further consideration of House Bill No. 988, previously considered on May 19, 1997, and reset to today's Calendar.

On motion, House Bill No. 988 was made to conform with **Senate Bill No. 629**; the Senate Bill was substituted for the House Bill.

Rep. Clabough moved that Senate Bill No. 629 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Clabough moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 629 by deleting in its entirety the amendatory language of Section 1 and by substituting instead the following:

SECTION \_\_\_\_\_. A provider shall not be prohibited by a health plan, by contract or otherwise, from disclosing to a patient the existence of financial arrangements with the health plan which reward the provider for reducing or limiting the range and amount of medically necessary and appropriate services rendered to the patients enrolled in the health plan.

On motion, Amendment No. 2 was adopted.

Rep. Clabough moved that **Senate Bill No. 629**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Caldwell -- 1.

A motion to reconsider was tabled.

**CHAIR TO RINKS**

Speaker pro tempore DeBerry relinquished the Chair to Rep. Rinks.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 47** -- Probate Law - Makes various changes to probate law Amends TCA Titles 30, 31, 32, 35, 45 and 67. by \*Fowlkes. (\*SB34 by \*Kyle, \*Fowler)

Further consideration of House Bill No. 47, previously considered on May 19, 1997, and reset to today's Calendar.

Rep. Fowlkes moved that House Bill No. 47 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 47 by deleting in the amendatory language of subdivision 1 of Section 1 of the printed bill the words "and interest" and the words "in the estate".

AND FURTHER AMEND in the amendatory language of subdivision 6 of Section 1 of the printed bill by inserting the words "and relationships" between the word "names" and the word "of" and by inserting the following between the word and punctuation "known," and the word "and":

similar information for those who otherwise would be entitled to the decedent's property under the statutes of intestate succession,

AND FURTHER AMEND in the amendatory language of subdivision (a)(1) of Section 3 of the printed bill by deleting the words "located in" and by substituting instead the words and punctuation "normally located in, or used in or about,".

AND FURTHER AMEND by adding the following sentence at the end of the amendatory language of subdivision (b)(3) of Section 4 of the printed bill:  
If one entitled to receive payment hereunder is a minor, the sum shall be paid to the guardian or custodian for the minor's benefit.

AND FURTHER AMEND by deleting in the amendatory language of Section 9 of the printed bill the words "to pay or to advance" and by substituting instead the words "to advance or to pay" and by inserting the words and punctuation "real

estate taxes," between the words and punctuation "mortgage note payments," and the words "major repairs".

AND FURTHER AMEND by deleting in the amendatory language of Section 10 of the printed bill the words and punctuation "or distribution of the estate." and by substituting instead the words and punctuation "of the estate or the distribution of the real estate..".

AND FURTHER AMEND by deleting in its entirety the directory language of Section 19 of the printed bill and by substituting instead the following:

SECTION 19. Tennessee Code Annotated, Section 31-3-102, is amended by deleting the punctuation "." at the end of the section and by adding the following: "or in Section 31-1-109..".

The directory language of Section 19 of the printed bill is further amended by adding the following at the end of the directory language, as herein amended: "Tennessee Code Annotated, Title 31, Chapter 1, Part 1, is amended by adding the following as new Section 31-1-109..".

AND FURTHER AMEND by deleting in the amendatory language of Section 19 of the printed bill the heading "Section 31-3-1\_\_\_\_." and by substituting instead the heading "Section 31-1-109..".

AND FURTHER AMEND in the amendatory language of subsection (c) of Section 20 of the printed bill by deleting the punctuation "." at the end of the first sentence of the subsection and by inserting therein the words and punctuation "or which were for the benefit of the surviving spouse..".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 47 by deleting Sections 17 and 18 of the printed bill.

On motion, Amendment No. 2 was adopted.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 47 by deleting Section 10 of the printed bill, as amended, in its entirety.

On motion, Amendment No. 3 was adopted.

Rep. Scroggs moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 47 by deleting in its entirety the last sentence of the amendatory language of subdivision (4) of Section 1 of the printed bill, as amended.

AND FURTHER AMEND by deleting the language "(in excess of any security interests therein)" in the amendatory language of subsection (a) of Section 3 of the printed bill, as amended, and by substituting instead the following:

(in excess of any indebtedness and other amounts secured by any security interests in such property)

AND FURTHER AMEND in the second sentence of the amendatory language of subdivision (a)(2) of Section 3 of the printed bill, as amended, by inserting the word "only" between the words "common" and "to" and by deleting the words "except for any vehicle" and by substituting instead the words "as described in subdivision (1) above".

AND FURTHER AMEND in the first sentence of the amendatory language of subsection (c) of Section 20 of the printed bill, as amended, by deleting the words "the surviving spouse received" and by substituting instead the following: were transferred, or deemed transferred, to the surviving spouse or which were for the benefit of the surviving spouse

AND FURTHER AMEND by inserting in the first sentence of the amendatory language of subsection (a) of Section 21 of the printed bill, as amended, the words "of the decedent" between the word "child" and the words "is treated".

AND FURTHER AMEND by deleting the second sentence of the amendatory language of Section 23 of the printed bill, as amended, and by substituting instead the following:

The surviving issue of a beneficiary who predeceased a settlor or grantor shall take the trust interest the beneficiary would have received had the beneficiary survived the settlor or grantor, unless the trust agreement provides otherwise.

On motion, Amendment No. 4 was adopted.

Rep. Fowlkes moved that **House Bill No. 47**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes..... 0



Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 612** -- Tennessee Regulatory Authority - Changes, from first Monday in February to first Monday in March date of authority report to general assembly. Amends TCA Title 65. by \*Hargrove. (SB1062 by \*Haynes)

Rep. Hargrove requested that House Bill No. 612 be moved down 6 places on the Calendar.

**House Bill No. 1783** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by \*Odom. (\*SB342 by \*Haynes)

Rep. Odom requested that House Bill No. 1783 be moved down 3 places on the Calendar.

**House Bill No. 1124** -- Health - Requires commissioner of health to compile list of all doctors and pharmacists who contract with MCOs and make list available to public. Amends TCA Title 4; Title 56; Title 68 and Title 71. by \*Chumney, \*Eckles. (\*SB979 by \*Ford J)

Rep. Chumney moved that House Bill No(s). 1124 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

**\*House Joint Resolution No. 130** -- General Assembly, Statement of Intent or Position - Urges Memphis mayor and city council to make security in schools a priority and to appoint task force to ensure school safety. by \*Chumney, \*Bowers, \*Jones U (Shelby), \*Haley, \*Kernell, \*Towns, \*Kent, \*Turner (Shelby), \*Brooks, \*Miller L, \*Pleasant, \*Cooper B, \*DeBerry L, \*Hargett, \*Hassell, \*Scroggs.

Rep. Chumney moved that **House Joint Resolution No. 130** be adopted, which motion prevailed by the following vote:

Ayes..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1424** -- Adoption - Deletes provisions relative to terminating rights of incarcerated parent or guardian. Amends TCA Title 36, Chapter 1, Part 1. by \*Hassell. (\*SB801 by \*Person)

Rep. Hassell moved that House Bill No. 1424 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1424 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(f), is amended by deleting subdivisions (3), (4) and (5) and by substituting instead the following:

(3) That the incarcerated parent or guardian has the right to participate in the hearing and contest the allegation that the rights of the incarcerated parent or guardian should be terminated; and, at the discretion of the court, such participation may be achieved through personal appearance, teleconference, telecommunication or other means deemed by the court to be appropriate under the circumstances;

(4) That if the incarcerated parent or guardian wishes to participate in the hearing and contest the allegation, such parent or guardian:

(A) If indigent, will be provided with a court-appointed attorney to assist the parent or guardian in contesting the allegation; and

(B) Shall have the right to perpetuate his or her testimony or that of any witness by means of depositions or interrogatories as provided by the Tennessee rules of civil procedure; and

(5) If, by means of a signed waiver, the court determines that the incarcerated parent or guardian has voluntarily waived his or her right to participate in the hearing and contest the allegation, or if such or guardian takes no action after receiving notice of such rights, the court may proceed with such action without the parent's or guardian's participation.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1424 by deleting Sections 2 and 3.

On motion, Amendment No. 2 was adopted.

Rep. Hassell moved that **House Bill No. 1424**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Brooks, Towns -- 2.

A motion to reconsider was tabled.

**House Bill No. 1783** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by \*Odom. (\*SB342 by \*Haynes)

Further consideration of House Bill No. 1783, previously considered on today's Calendar.

On motion, House Bill No. 1783 was made to conform with **Senate Bill No. 342**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 342 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 342 by deleting from subsection (a) of Section\_\_\_\_. of the amendatory language of SECTION 1 the language "action a person" and substituting instead the language "action another person".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 342 by deleting from subsection (a) of Section\_\_\_\_. of the amendatory language of SECTION 1 the language "to remove" and substituting instead the language "to intentionally remove".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 342 by adding the following new subsection to the amendatory language of Section 1:

( ) Evidence of a criminal conviction under this act shall not be admissible in a subsequent action against the employer filed by the employee involving a workplace injury or death.

On motion, Amendment No. 3 was adopted.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Odom moved that Senate Bill No(s). 342 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**\*House Bill No. 1756** -- Physicians and Surgeons - Permits employment of physicians by certain non-profit public benefit corporations whose purpose is to engage in medicine, education and research with college or university operating accredited medical school in Tennessee. Amends TCA Section 63-6-204. by \*Patton. (SB1898 by \*Crowe, \*Gilbert)

Rep. Patton moved that House Bill No. 1756 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1756 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-204(d)(4), is amended by deleting the subdivision and substituting instead thereof the following:

In any event, nothing herein shall prohibit any of the following from employing physicians:

(A) a licensed physician; or

(B) a group of licensed physicians, including, without limitation, either of the following:

(i) a physicians' professional corporation registered under Title 48, Chapter 101; or

(ii) a domestic nonprofit public benefit corporation;

(a) that is recognized as exempt under § 501(c)(3) of the Internal Revenue Code [26 U.S.C. § 501(c)(3), or any successor section],

(b) a purpose of which is to engage in medical education and medical research in conjunction with a college or university operating an accredited medical school in Tennessee,

(c) whose physician-employees are restricted to the medical faculty of such a college or university, and

(d) which operates as a "faculty practice plan" for purposes of Title XVIII of the federal Social Security Act (42 U.S.C., Chapter 7, subchapter XVIII) and regulations promulgated in connection therewith.

Provided, however, with respect to any such domestic nonprofit public benefit corporation, physician employees of any such faculty practice plan who practice in the specialties of radiology, pathology, anesthesiology and/or emergency medicine shall be restricted to practice as faculty practice plan employees in those health care institutions, including but not limited to hospitals or surgery centers, in which they were practicing as employees of the nonprofit public benefit corporation on the effective date of this act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Patton moved that **House Bill No. 1756**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Sargent, Scroggs, Sharp,

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 1778** -- Tort Liability - Enacts "Amusement Operator Safety and Liability Act." Amends TCA Title 29, Chapter 34. by \*Patton. (SB1902 by \*Crowe)

Rep. Patton moved that House Bill No(s). 1778 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**\*House Bill No. 612** -- Tennessee Regulatory Authority - Changes, from first Monday in February to first Monday in March date of authority report to general assembly. Amends TCA Title 65. by \*Hargrove. (SB1062 by \*Haynes)

Further consideration of House Bill No. 612, previously considered on today's Calendar.

Rep. Hargrove moved that House Bill No. 612 be passed on third and final consideration.

Rep. Hargrove requested that House Amendment No. 1 be placed after House Amendment No. 2.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 612 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 65-1-201, is amended by deleting the word "directors" and by substituting instead the word "commissioners" in subsection (a) and (b) and by deleting the word "director" and by substituting instead the word "commissioner" in subsection (f).

Section 2. Tennessee Code Annotated, Section 65-1-202, is amended by deleting the word "director" wherever it appears and by substituting instead the word "commissioner".

Section 3. Tennessee Code Annotated, Section 65-1-203, is amended by deleting the word "directors" and by substituting instead the word "commissioners" in subsection (a).

Section 4. Tennessee Code Annotated, Section 65-1-204, is amended by deleting the word "directors" and by substituting instead the word "commissioners" in subsection (a) and by deleting the word "secretary" and by substituting instead the word "director" wherever it appears.

Section 5. Tennessee Code Annotated, Section 65-1-205, is amended by deleting the word "directors" and by substituting instead the word "commissioners" wherever it appears and by deleting the word "secretary" and by substituting the word "director" wherever it appears.

Section 6. Tennessee Code Annotated, Section 65-1-207, is amended by deleting the word "director" and by substituting instead the word "commissioner" wherever it appears.

Section 7. Tennessee Code Annotated, Section 65-1-209, is amended by deleting the word "secretary" wherever it appears and by substituting instead the word "director".

Section 8. As sections, parts, titles, chapters, and volumes of Tennessee Code Annotated are amended, repealed, revised and replaced the Tennessee Code Commission is directed to change any reference to the directors or director of the Tennessee Regulatory Authority to commissioners or commissioner of the Tennessee Regulatory Authority to the executive director of the Tennessee Regulatory Authority.

After the effective date of this act, any reference to the directors or executive secretary of the Tennessee Regulatory Authority shall be deemed a reference to the commissioners or executive director of the Tennessee Regulatory Authority.

Section 9. Tennessee Code Annotated, Section 65-1-204(a), is amended by deleting from the first sentence the language ", and shall elect one (1) of its directors chair of the authority for a two-year term".

Section 10. Tennessee Code Annotated, Section 65-1-204, is amended by adding the following new subsection:

( ) On July 1, 1998, the commissioner appointed by the speaker of the house shall become chair of the authority. On July 1, 2000, the commissioner appointed by the speaker of the senate shall become chair of the authority. Thereafter, biennially on July 1, the position of chair of the authority shall be determined based on the appointing authority in the same rotation as provided for by the provisions of this subsection.

Section 11. Tennessee Code Annotated, Section 65-1-202, is amended by deleting subsection (c) in its entirety and by substituting instead the following:



( ) No commissioner shall raise funds or solicit contributions for any political candidate or political party.

Section 12. This act shall take effect on becoming a law, the public welfare requiring it.

Rep. Hargrove moved to amend as follows:

**Amendment No. 1 to Amendment No. 2**

AMEND House Bill No. 612 by deleting the amendatory language of Section 10 and by substituting instead the following:

( ) The commissioner appointed by the governor shall continue to serve as chair of the authority through June 30, 1998. On July 1, 1998, the commissioner appointed by the speaker of the house of representatives shall become chair of the authority and shall continue to serve as chair through June 30, 1999. On July 1, 1999, the commissioner appointed by the speaker of the senate shall become chair of the authority and shall continue to serve as chair through June 30, 2000. Annually thereafter, on July 1, the position of chair of the authority shall be determined based on the appointing authority in the same rotation as provided for by the provisions of this subsection.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion Amendment No. 2, as amended, was adopted.

Rep. Hargrove moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stamps moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Stamps moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Williams moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 612**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	61
Noes .....	35
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson,

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Sands, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Clabough, Cole (Carter), Davis, Dunn, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Huskey, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Patton, Pleasant, Roach, Sargent, Sharp, Stamps, Walley, Westmoreland, Whitson, Wood -- 35.

Representatives present and not voting were: Newton, Scroggs -- 2.

A motion to reconsider was tabled.

**House Bill No. 766** -- Abortion - Bans partial-birth abortions; provides same penalty as for criminal abortions which is Class C felony; provides civil remedies. Amends TCA Title 39, Chapter 15, Part 2. by \*Jackson, \*Godsey, \*Dunn, \*Sargent, \*Mumpower, \*Winningham, \*DeBerry J, \*Burchett, \*Walley, \*Goins, \*Boyer, \*Newton, \*Hassell, \*Westmoreland, \*Gunnels, \*Patton, \*Ford S, \*Beavers, \*Bird, \*Scroggs, \*Hargett, \*Haley, \*Pleasant, \*Roach, \*Pinion, \*Cole (Carter), \*Givens, \*Phelan, \*Cole (Dyer), \*Rinks. (\*SB1274 by \*Jordan, \*Ramsey, \*Carter, \*Williams, \*Koealla, \*Atchley, \*Henry, \*Davis L, \*Burks, \*Person, \*Fowler, \*Haun, \*Cooper, \*Miller J, \*Crowe, \*Elsea, \*Leatherwood, \*Person)

Rep. Jackson moved that House Bill No(s). 766 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**House Bill No. 785** -- Dentists - Requires insurance coverage for anesthesia, hospital and physician costs associated with inpatient/outpatient dental procedures covered under contract or policy; benefit subject to same deductibles or co-insurance established for all other covered benefits; prohibits private third-party payors from reducing or eliminating coverage. Amends TCA Title 56. by \*McMillan, \*West. (\*SB878 by \*Jordan)

Rep. McMillan requested that House Bill No. 785 be moved down 5 places on the Calendar.

**\*House Bill No. 1828** -- Taxes, Sales - Restates public policy justification for commissioner of revenue's expenditures for sales and use taxes enforcement. Amends TCA Title 67, Chapter 6. by \*McDaniel, \*Stamps. (SB1944 by \*McNally, \*Atchley, \*Elsea, \*Leatherwood, \*Crowe)

On motion, House Bill No. 1828 was made to conform with **Senate Bill No. 1944**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 1944 be passed on third and final consideration.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. McDaniel moved that **Senate Bill No. 1944** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 589** -- Municipal Government - Permits municipality to provide for, by ordinance, collection of delinquent property taxes in addition to present authority for current taxes. Amends TCA Section 67-5-2005. by \*Langster. (SB1325 by \*Graves)

On motion, House Bill No. 589 was made to conform with **Senate Bill No. 1325**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 1325 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 1325** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel,

McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 823** -- Municipal Government - Revises Public Building Authorities Act of 1971. Amends TCA Title 12, Chapter 10. by \*Huskey, \*Kent. (\*SB1467 by \*Koella)

On motion, House Bill No. 823 was made to conform with **Senate Bill No. 1467**; the Senate Bill was substituted for the House Bill.

Rep. Huskey moved that Senate Bill No. 1467 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1467 by redesignating the existing Section 6 as Section 7, and by adding the following new language:

SECTION 7. Tennessee Code Annotated, Section 12-10-108(a), is hereby amended by deleting the language: "The directors shall be appointed by the governing body of the municipality, and they shall be so appointed that they shall hold office for staggered terms.", and by substituting instead the language: "The directors shall be appointed by the chief executive officer, subject to confirmation of the governing body, of the municipality, and they shall be so appointed that they shall hold office for staggered terms."

Tennessee Code Annotated, Section 12-10-108(a) is further amended by deleting the remaining references to "governing body" and by substituting instead "chief executive officer".

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1467 by deleting from the amendatory language of subsection (b)(3) of Section 4, the language "or subsection (c) hereof".

AND FURTHER AMEND by deleting from the amendatory language of Section 5 the language "pursuant to Chapter 34 of Title 7, by resolution of the board or commission", and by substituting instead the language "pursuant to Chapter 34 of Title 7 with a term of not more than five (5) years, by resolution of the governing body or the board or commission".

AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 5:

Any lease, loan agreement, sales contract or operating contract described herein may be entered into for the purpose of refunding any bonds of a municipal corporation which can be refunded under parts 9 and 10 of chapter 21 of title 9. Prior to the adoption of the resolution authorizing such an agreement or contract, a plan of refunding shall be submitted for review to the state director of local finance who shall proceed in the same manner as provided in Section 9-21-903, in the case of an agreement or contract described in Section 12-10-115(a), or Section 9-21-1003, in the case of an agreement or contract described in Section 12-10-115(b). If the report of the state director states that the plan of refunding does not substantially comply with the guidelines, if any, described in Section 9-21-903, in the case of an agreement or contract described in Section 12-10-115(a), or Section 9-21-1003, in the case of an agreement or contract described in Section 12-10-115(b), a notice in substantially the form set forth in Section 9-21-903(c) and Section 9-21-1003(c), as applicable, shall be published prior to the execution of said agreement or contract in a newspaper having general circulation in the local government. Any lease, loan agreement, sales contract or operating contract described herein may be entered into for the purpose of converting capital outlay notes to a loan as provided in Section 9-21-606(b) and Section 9-21-610, provided no capital outlay notes shall be converted to a loan agreement later than two (2) years following the date of original issuance of such notes without the approval of the state director of local finance.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Huskey moved that **Senate Bill No. 1467**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 1636** -- Law Enforcement - Requires all law enforcement officers to take two sets of fingerprints of each person arrested by officer; permits comptroller to withhold certain payments made by state to county or municipality if such officer fails to comply with fingerprinting requirement Amends TCA Title 4; Title 8; Title 38 and Title 41. by \*Buck, \*Jackson, \*Brooks, \*Stamps, \*Scroggs, \*Newton, \*Haley, \*Hargett, \*Pleasant. (SB1894 by \*Person)

Rep. Buck moved that House Bill No. 1636 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 4.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 5.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 1636 by deleting all language after the enacting clause and substituting the following:

**SECTION 1.**

(a) The general assembly of the state of Tennessee is compelled to enact legislation for the safety of the general population of Tennessee and the United States.

(b) The general assembly of the state of Tennessee as well as law enforcement agencies throughout the state recognize that most dangerous felons begin careers of crime by committing less serious offenses and subsequently committing more serious offenses over time,

(c) The general assembly of the state of Tennessee as well as law enforcement agencies throughout the state recognize the extreme priority of fingerprinting dangerous felons who commit initial offenses as an integral part of the crime fighting process.

(d) The Tennessee bureau of investigation has made the general assembly of the state of Tennessee aware that forty to fifty percent of felons are not properly fingerprinted by law enforcement agencies throughout the state.

(e) Spurned by the support of law enforcement agencies throughout the state, the general assembly of the state of Tennessee is moved to take action to ensure that dangerous felons are adequately tracked within the system and prevented from damaging and further endangering the people.

(f) To prevent the non-detection of dangerous felons within the system and to provide an adequate and effective detection tool the general assembly of the state of Tennessee finds it necessary to enact this act.

SECTION 2. Tennessee Code Annotated, Section 8-8-201, is amended by adding the following new appropriately numbered subsection:

( ) (a) Take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or capias for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. Two (2) full sets of fingerprints shall be sent to the Tennessee bureau of investigation. Upon receipt of the fingerprints, the Tennessee bureau of investigation shall retain one (1) set of the fingerprints as provided in Tennessee Code Annotated, Section 38-6-103, and shall send one (1) set of the fingerprints to the federal bureau of investigation.

(b) A person who is issued a citation pursuant to Tennessee Code Annotated, Section 40-7-118 or 40-7-120 shall not, for purposes of this section, be considered to have been arrested and the agency issuing the citation shall not be required to take the fingerprints of such person.

SECTION 3. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

Section \_\_\_\_\_. (a) It shall be the duty of every law enforcement officer as defined in Tennessee Code Annotated, Section 39-11-106(21) to take or cause to be taken two (2) full sets of fingerprints of each person arrested whether by warrant or *capias* for an offense which results in such person's incarceration in a jail facility or the person's posting of a bond to avoid incarceration. Two (2) full sets of fingerprints shall be sent to the Tennessee bureau of investigation. Upon receipt of the fingerprints, the Tennessee bureau of investigation shall retain one (1) set of the fingerprints as provided in Tennessee Code Annotated, Section 38-6-103, and shall send one (1) set of the fingerprints to the federal bureau of investigation.

(b) A person who is issued a citation pursuant to Tennessee Code Annotated, Section 40-7-118 or 40-7-120 shall not, for purposes of this section, be considered to have been arrested and the agency issuing the citation shall not be required to take the fingerprints of such person.

SECTION 4. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following as a new section to be designated as Section 8-4-115:

Section 8-4-115.

(a) The comptroller of the treasury in consultation with the Tennessee bureau of investigation, the Tennessee sheriff's association the Tennessee association of chiefs of police, and the Tennessee corrections institute shall develop standardized booking procedures. These standardized booking procedures shall include fingerprinting requirements and compliance with these procedures shall be the basis for the comptroller of the treasury determining compliance with the fingerprinting requirements of Sections 2 and 3 of this act. The Tennessee corrections institute shall train correctional personnel in municipal, county and metropolitan jurisdictions in the application of these standardized booking procedures.

(b) The respective county and municipal legislative body shall appropriate funds for the respective sheriff's office or police department, including funds for personnel and supplies which are sufficient to comply with the provisions of this act.

(c)(1) The comptroller of the treasury shall audit on an annual basis the sheriff's office or police department to determine whether or not such law enforcement agency is in compliance with the requirements of this section which shall include but is not limited to two(2) full sets of classifiable fingerprints taken at arrest and the maintenance by the arresting agency of at least an eighty-five percent (85%) retention rate by the Tennessee bureau of investigation of



such fingerprints. If the comptroller of the treasury determines that a particular sheriff's office or police department is not in compliance with Section 2 or 3 of this act, the comptroller, within ten (10) days of such determination, shall notify such sheriff or police chief and the Tennessee peace officer standards and training commission of such noncompliance.

(2) Such sheriff or police chief shall show cause to the Tennessee peace officer standards and training commission within thirty (30) days of notification why such sheriff or police chief should not be found to be in noncompliance with the requirements of Section 2 or 3 of this act. If the appropriate sheriff or police chief does not respond or show good cause within thirty (30) days, the Tennessee peace officer standards and training commission shall forthwith decertify the appropriate sheriff or police chief and impound the supplement provided for such sheriff or police chief in Tennessee Code Annotated, Section 38-8-111. The Tennessee peace officer standards and training commission shall notify both the sheriff and county commission or the police chief and city council of such action.

(3) The burden shall be on such sheriff or police chief to demonstrate compliance to the Tennessee peace officer standards and training commission and if such sheriff or police chief is found to be in compliance with the provisions of this section within sixty (60) days after decertification, the Tennessee peace officer standards and training commission shall rescind the decertification order and cause any salary supplement impounded to be returned to the appropriate sheriff or police chief except for one-twelfth (1/12) of the annual supplement.

(d) In addition to any proceeding under the provisions of Title 8, Chapter 47, the sheriff or police chief may be removed from office in accordance with the provisions of this section. The comptroller of the treasury shall forward a copy of reports of noncompliance with provisions of this act by the sheriff or police chief to the district attorney general having jurisdiction and to the attorney general and reporter. The district attorney general and the attorney general and reporter shall each review the report and determine if there is sufficient cause for further investigation. If further investigation indicates willful misfeasance, malfeasance or nonfeasance by the sheriff or police chief, the district attorney general shall proceed pursuant to title 8, Chapter 47, to remove the sheriff or police chief from office.

(e) At least annually the comptroller's office shall send to each county executive, sheriff, mayor and chief of police a notice advising them of the provisions of this act, including the penalty for noncompliance with this act.

SECTION 5. Tennessee Code Annotated, Title 8, Chapter 4, Part 1, is amended by adding the following as a new section:

Section \_\_\_\_\_. The expense incurred by the Tennessee bureau of investigation by the provisions of this act requiring law enforcement officials to take the fingerprints of each person arrested and send them to the bureau shall be funded by either an appropriation in the general appropriations act or by a fifteen dollar (\$15.00) increase in the amount of each handgun carry permit application fee.

SECTION 6. Tennessee Code Annotated, Section 38-8-111, is amended by adding the following new subsection (g):

(g) The Tennessee peace officer standards and training commission shall be authorized to carry out the provisions of Tennessee Code Annotated, Section 8-4-115.

SECTION 7. This act shall take effect July 1, 1998, the public welfare requiring it.

Rep. Jackson moved the previous question on Amendment No. 6, which motion prevailed.

On motion, Amendment No. 6 was adopted.

Rep. Buck moved adoption of Amendment No. 7 as follows:

**Amendment No. 7**

AMEND House Bill No. 1636 by deleting subsection (c)(1) of the amendatory language of SECTION 4 as amended and substituting instead the following:

(c)(1) The comptroller of the treasury shall audit or cause to be audited under provisions of Title 4, Chapter 3, Part 3 and Title 6, Chapter 56, Part 1, on an annual basis the sheriff's office or police department to determine whether or not such law enforcement agency is in compliance with the requirements of this section which shall include but is not limited to two(2) full sets of classifiable fingerprints taken at arrest and the maintenance by the arresting agency of at least an eighty-five percent (85%) retention rate by the Tennessee bureau of investigation of such fingerprints. If the comptroller of the treasury determines that a particular sheriff's office or police department is not in compliance with Section 2, 3 and 4 of this act, the comptroller, within thirty (30) days of such determination, shall notify such sheriff or police chief and the Tennessee peace officer standards and training commission of such noncompliance.

FURTHER AMEND by deleting the final sentence of subsection (c)(2) of the amendatory language of SECTION 4 as amended and substituting instead the following:

The Tennessee peace officer standards and training commission shall notify the Comptroller and both the sheriff and county commission or the police chief and city council of such action.

On motion, Amendment No. 7 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 1636**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1019** -- Workers' Compensation - Requires workers' compensation carrier to obtain settling litigant's release of all related tort claims against employer or assume liability for such claims Amends TCA Title 50, Chapter 6, Part 4 and Title 56. by \*Buck. (\*SB1375 by \*Wilder)

On motion, House Bill No. 1019 was made to conform with **Senate Bill No. 1375**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1375 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 1375** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 785** -- Dentists - Requires insurance coverage for anesthesia, hospital and physician costs associated with inpatient/outpatient dental procedures covered under contract or policy; benefit subject to same deductibles or co-insurance established for all other covered benefits; prohibits private third-party payors from reducing or eliminating coverage. Amends TCA Title 56. by \*McMillan, \*West. (\*SB878 by \*Jordan)

Further consideration of House Bill No. 785, previously considered on today's Calendar.

Rep. McMillan requested that House Bill No. 785 be moved down 2 places on the Calendar.

**House Bill No. 1012** -- Medicine, Practice of - Requires immunity from liability for entity, committee or individual working with medical review committees, advocating for or assisting TCA Title 63 licensees or applicants for license. Amends TCA Title 63, Chapter 6, Part 2. by \*Eckles. (\*SB1022 by \*Ford J)

Rep. Eckles moved that House Bill No(s). 1012 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**House Bill No. 954** -- Privacy, Confidentiality - Expects communications between health care providers from confidentiality under Patient's Privacy Protection Act. Amends TCA Title 68, Chapter 11, Part 15. by \*Eckles. (\*SB1242 by \*Herron)

On motion, House Bill No. 954 was made to conform with **Senate Bill No. 1242**; the Senate Bill was substituted for the House Bill.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Rep. Eckles moved that Senate Bill No. 1242 be passed on third and final consideration.

Rep. Eckles moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1 as House Amendment No. 2.

Rep. Eckles moved that **Senate Bill No. 1242** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 785** -- Dentists - Requires insurance coverage for anesthesia, hospital and physician costs associated with inpatient/outpatient dental procedures covered under contract or policy; benefit subject to same deductibles or co-insurance established for all other covered benefits; prohibits private third-party payors from reducing or eliminating coverage. Amends TCA Title 56. by \*McMillan, \*West. (\*SB878 by \*Jordan)

Further consideration of House Bill No. 785, previously considered on today's Calendar.

On motion, House Bill No. 785 was made to conform with **Senate Bill No. 878**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 878 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 878 by deleting SECTION 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new section to be appropriately designated.

Section \_\_\_. Any accident or sickness insurance or hospital, medical service contract or policy under chapters 7, 26, 27, 28, 29 or 32, of this title which takes effect on or after July 1, 1997, shall provide for reimbursement of anesthesia expenses, hospital expenses and physician expenses associated with any inpatient/outpatient hospital dental procedure where:

(1) such expense is covered under such contract or policy; and

(2) the procedure is performed on a minor eight (8) years of age or younger and cannot be safely performed in a dental office setting.

The benefit provided for by this section shall be subject to the same annual deductibles or co-insurance established for all other covered benefits within a given plan, policy or contract. Private third party payors may not reduce or eliminate coverage due to the requirements of this section.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 878 by adding the following language at the end of the amendatory section in Section 1:

Nothing contained herein shall be construed as applying to medical assistance programs funded with state and federal funds, if such programs require provision of services as medically necessary.

On motion, Amendment No. 4 was adopted.

Rep. Ritchie moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Ritchie moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. McMillan moved that **Senate Bill No. 878**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99

Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1742** -- Nurses, Nursing - Authorizes nurse practitioners to prescribe Schedule II - V drugs Amends TCA Section 53-10-104 and Section 63-7-123. by \*Jackson, \*McDaniel. (\*SB1776 by \*Davis L, \*Crutchfield)

Rep. Jackson moved that House Bill No. 1742 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1742 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 63-7-121(b) is amended by adding the following as a new subdivision (2) and redesignating subsequent subdivisions accordingly:

(2) The nurse practitioner who holds a certificate of fitness shall be authorized to prescribe and/or issue controlled substances listed in Schedules II, III, IV, and V of Tennessee Code Annotated, Title 39, Chapter 17, Part 4, upon joint adoption of physician supervisory rules concerning controlled substances pursuant to subsection (d) of this section.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1742 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1742 by adding the following new section:

SECTION \_\_\_\_\_. Nothing in this act shall apply to the practice of nurse anesthesia.

On motion, Amendment No. 3 was adopted.

Rep. Jackson moved that **House Bill No. 1742**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes .....	3
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Burchett, Rhinehart, Ritchie -- 3.



Representatives present and not voting were: Brown, Haley, Towns -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 653** -- Hospitals and Health Care Facilities - Establishes one-year moratorium on expansion of non-residential methadone treatment facilities; creates special legislative committee to perform comprehensive analysis of methadone. Amends TCA Title 68, Chapter 11. by \*Davis R, \*Godsey, \*Mumpower. (SB1182 by \*Ramsey, \*Gilbert, \*Crowe, \*McNally, \*Atchley, \*Haun)

On motion, House Bill No. 653 was made to conform with **Senate Bill No. 1182**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 1182 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1182 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Notwithstanding the provisions of Tennessee Code Annotated, Title 68, Chapter 11, or any other law to the contrary, during the one-year period immediately following the effective date of this act, the health facilities commission shall have no authority to approve a certificate of need for any non-residential methadone treatment facility which would create, expand or otherwise locate additional methadone treatment programs or medication units anywhere in this state and the board for licensing health care facilities shall have no authority to issue a license for any non-residential methadone treatment facility which would create, expand or otherwise locate additional methadone treatment programs or medication units anywhere in this state.

Section 2. The provisions of this act shall not apply so as to prohibit or limit the issuance of a certificate of need or a license for any non-residential methadone treatment program which meets all of the following requirements:

(1) A certificate of need for the facility was issued by the Health Facilities Commission prior to January 1, 1997, but has not received a license pursuant to Title 68, Chapter 11, Part 2 prior to the effective date of this act; and

(2) Prior to the effective date of this act a certificate of need was applied for to relocate the non-residential methadone treatment facility to a location within the same county as originally certified, and

which location is not within a three (3) mile radius of the originally certified location.

Section 3. (a) The provisions of this act shall not apply to any facility which meets all of the following conditions:

(1) the facility has obtained a license prior to the effective date of this act;

(2) the facility seeks only to relocate within the same county, to a site located within one and one-half (1.5) miles of the present operating location; and

(3) the facility shall comply with the provisions of Tennessee Code Annotated, Title 68, Chapter 11, concerning certificates of need.

(b) The provisions of this section shall only apply in counties having a population of not less than three hundred thirty-five thousand (335,000) nor more than three hundred thirty-six thousand (336,000) according to the 1990 federal census or any subsequent federal census.

Section 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Ritchie moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Caldwell moved the previous question, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	7

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 86.

Representatives voting no were: Armstrong, Brooks, Chumney, Jones U., Kernell, Miller, Turner (Shelby) -- 7.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Rep. Davis moved that **Senate Bill No. 1182**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	4
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Brooks, Brown, Jones U., Turner (Shelby) -- 4.

Representatives present and not voting were: Bowers, Chumney, Kernell, Miller -- 4.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 63** -- Memorials, Government Officials - Urges U.S. District Court Judge John T. Nixon to recuse himself from hearing appeals arising from death penalty convictions. by \*McKee, \*Cole (Dyer), \*Phelan, \*Gunnels, \*Rinks, \*Ritchie, \*Buck, \*Pinion, \*Westmoreland, \*Davis R, \*Stamps, \*Maddox, \*Pleasant, \*Haley, \*Hargett.

Rep. McKee moved that House Joint Resolution No. 63 be adopted.

Rep. McKee requested that House Joint Resolution No. 63 be moved to the heel of the Calendar.

**House Bill No. 529** -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by \*Williams (Williamson). (\*SB626 by \*Davis L)

Rep. Williams requested that House Bill No. 529 be moved down 3 places on the Calendar.

**\*House Bill No. 371** -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; updates uniform laws in this area. Amends TCA Title 68, Chapter 30. by \*Williams. (SB1241 by \*Herron, \*Haynes, \*Williams)

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Rep. Williams moved that House Bill No(s). 371 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

**House Bill No. 1922** -- Religion and Religious Organizations - Enacts "Tennessee Student Religious Liberty Act of 1997." Amends TCA Title 49, Chapter 6, Part 10. by \*Fitzhugh, \*Maddox, \*Pinion, \*McDaniel, \*Godsey, \*Cooper B, \*Pleasant, \*Haley, \*Hargett. (\*SB1792 by \*Herron, \*Dixon)

Rep. Fitzhugh moved that House Bill No(s). 1922 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**\*Senate Joint Resolution No. 230** -- General Assembly, Directed Studies - Establishes forest management advisory panel. by \*Gilbert.

Rep. Givens moved that Senate Joint Resolution No. 230 be concurred in.

On motion, Rep. Givens withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved that **Senate Joint Resolution No. 230** be concurred in, which motion prevailed by the following vote:

Ayes.....99  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 529** -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by \*Williams. (\*SB626 by \*Davis L)

Further consideration of House Bill No. 529, previously considered on today's Calendar.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Rep. Williams requested that House Bill No. 529 be moved to the heel of the Calendar.

**House Bill No. 1089** -- Tennessee Regulatory Authority - Changes designation from "directors of Tennessee regulatory authority" to "commissioners"; changes designation of "executive secretary" to "executive director." Amends TCA Title 65, Chapter 2, Part 1. by \*Halteman Harwell. (\*SB1602 by \*Gilbert, \*Atchley, \*Crutchfield, \*Elsea, \*Haynes)

Further consideration of House Bill No. 1089, previously considered on April 28, 1997, and May 1, 1997 and reset to today's Calendar.

Rep. Halteman Harwell moved that House Bill No. 1089 be withdrawn from the Calendar and the House, which motion prevailed.

**House Bill No. 1160** -- Sexual Offenses - Prohibits rape or sexual battery of spouse who has been living apart for 30 days regardless of whether divorce petition filed; permits charges of spousal rape or sexual battery to be brought by affidavit of complaint. Amends TCA Title 39, Chapter 13, Part 5. by \*McMillan, \*Turner (Hamilton), \*Chumney. (\*SB1082 by \*Haynes)

Rep. McMillan moved that House Bill No. 1160 be passed on third and final consideration.

Rep. Kisber adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1160 by adding the word "or " to the end of subpart (b)(1)(B) of the amendatory language of SECTION 1; by deleting the word "or " at the end of subpart (b)(1)(C) of such section; by deleting the semicolon "; at the end of subpart (b)(1)(C) of such section and substituting instead a period "."; and by deleting subpart (b)(1)(D) of such section in its entirety.

FURTHER AMEND by adding the word "or " to the end of subpart (c)(1)(B) of the amendatory language of SECTION 1; by deleting the word "or " at the end of subpart (c)(1)(C) of such section; by deleting the semicolon "; at the end of subpart (c)(1)(C) of such section and substituting instead a period "."; and by deleting subpart (c)(1)(D) of such section in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. McMillan moved that **House Bill No. 1160**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Ayes.....95  
Noes .....0  
Present and not voting.....2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Beavers, Towns -- 2.

A motion to reconsider was tabled.

**House Bill No. 1979** -- Cheatham County - Subject to local approval, authorizes tax on new industrial development. by \*Williams, \*Davidson. (SB1988 by \*Kurita)

Further consideration of House Bill No. 1979, previously considered on May 21, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 1979 was made to conform with **Senate Bill No. 1988**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that **Senate Bill No. 1988** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....54  
Noes .....12  
Present and not voting.....22

Representatives voting aye were: Arriola, Beavers, Bird, Bowers, Boyer, Brooks, Brown, Buck, Caldwell, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Fitzhugh, Fowlkes, Fraley, Givens, Hargrove, Hood, Jackson, Kent, Kernell, Kerr, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Bone, Burchett, Ford, Godsey, Goins, Gunnels, Head, Kisber, Mumpower, Patton, Robinson, Stamps -- 12.

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Representatives present and not voting were: Bittle, Boner, Dunn, Ferguson, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Jones U., McAfee, Newton, Pleasant, Pruitt, Ritchie, Scroggs, Sharp, Walker, Walley, West, Westmoreland, Wood -- 22.

A motion to reconsider was tabled.

**House Bill No. 1980** -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by \*Williams, \*Davidson. (SB1989 by \*Kurita)

Further consideration of House Bill No. 1980, previously considered on May 21, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 1980 was made to conform with **Senate Bill No. 1989**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that **Senate Bill No. 1989** be passed on third and final consideration, which motion failed by the following vote:

Ayes.....	47
Noes .....	8
Present and not voting.....	33

Representatives voting aye were: Arriola, Bird, Bowers, Brooks, Buck, Caldwell, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry L., Eckles, Fitzhugh, Fowlkes, Fraley, Hargrove, Hassell, Hood, Jackson, Kent, Kernell, Kerr, Kisber, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Sands, Sargent, Stulce, Tidwell, Towns, Turner (Hamilton), Walley, White, Williams, Winningham, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Bone, Burchett, DeBerry J., Goins, Halteman-Harwell, Head, Robinson, Windle -- 8.

Representatives present and not voting were: Armstrong, Bittle, Boner, Boyer, Brown, Chumney, Cole (Carter), Dunn, Ferguson, Ford, Givens, Godsey, Haley, Hargett, Jones U., Langster, McAfee, Mumpower, Newton, Patton, Pleasant, Pruitt, Ritchie, Scroggs, Sharp, Stamps, Tindell, Turner (Shelby), Walker, West, Westmoreland, Whitson, Wood -- 33.

Having failed to receive a constitutional majority, Senate Bill No. 1989, was re-referred to the Committee on Calendar and Rules.

**House Bill No. 1981** -- Cheatham County - Subject to local approval, authorizes tax on new commercial development. by \*Williams, \*Davidson. (SB1987 by \*Kurita)

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Further consideration of House Bill No. 1981, previously considered on May 21, 1997, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar.

On motion, House Bill No. 1981 was made to conform with **Senate Bill No. 1987**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 1987** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	53
Noes .....	5
Present and not voting .....	28

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Buck, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry J., Dunn, Fitzhugh, Fowlkes, Fraley, Hargrove, Hassell, Hood, Jackson, Kent, Kernell, Kerr, Kisber, Langster, Maddox, McDaniel, McDonald, McMillan, Miller, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Sands, Sargent, Stamps, Stulce, Tidwell, Walley, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Bone, Burchett, Goins, Head, Robinson -- 5.

Representatives present and not voting were: Boner, Brown, Churney, DeBerry L., Eckles, Ferguson, Ford, Givens, Godsey, Haley, Halteman-Harwell, Hargett, Jones U., McAfee, Mumpower, Newton, Patton, Pruitt, Ritchie, Scroggs, Sharp, Tindell, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, Wood -- 28.

A motion to reconsider was tabled.

**\*House Bill No. 173** -- Sunset Laws - Deletes from sunset provisions vocational training centers, board of directors. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11. by \*Kernell, \*Garrett, \*Brooks. (SB77 by \*Springer)

Further consideration of House Bill No. 173, previously considered on May 21, 1997, and reset to today's Calendar.

On motion, House Bill No. 173 was made to conform with **Senate Bill No. 77**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 77 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 77** be passed on third and final consideration, which motion prevailed by the following vote:



Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2000** -- Hornbeak - Subject to local approval, rewrites charter. - Repeals Chapter 692, Private Acts of 1923, as amended. by \*Pinion. (\*SB2007 by \*Herron)

Further consideration of House Bill No. 2000, previously considered on May 19, 1997, and May 21, 1997, and reset to today's Calendar.

Rep. Pinion moved that House Bill No. 2000 be passed on third and final consideration.

Rep. Pinion moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2000 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. **Town charter** -- The town of Hornbeak, Tennessee, shall continue as a body politic and corporate by the name and style of Hornbeak, Tennessee, and this act shall constitute its complete charter. The town of Hornbeak shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 2. **Definitions** -- As used in this charter, unless the context otherwise requires:

(1) "Alderman" shall mean a person elected to the office of Alderman as provided in this charter.

(2) "At Large" shall mean the entire town, as distinguished by representation by wards or other districts.

(3) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the town of Hornbeck, which shall be composed of the Mayor and seven (7) Aldermen elected as provided in this charter.

(4) "Elector" shall mean a qualified voter residing within the town of Hornbeck and has so resided within the corporate limits for one (1) year.

(5) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(6) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

**SECTION 3. Boundaries** -- The boundaries of the town shall be those fixed by Chapter 692, Private Acts of 1923, all acts amendatory thereof, and annexations made pursuant to general law. The precise boundaries shall be kept on record by the Town Recorder.

**SECTION 4. Corporate powers** -- The town shall have power:

(1) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation;

(2) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law;

(3) To levy and collect registration fees on motor vehicles. Such registration fees may be graduated according to the tonnage capacities, weight, or horsepower of motor vehicles and to regulate all matters concerning traffic within the community not specifically addressed by the Tennessee Code Annotated, including, but not limited to, speed limits, parking, stopping and yielding, turning movements and street marking and designation;

(4) To appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose;

(5) To acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or condemnation, for public use, for present or future use by the town,

to reserve industrial sites, to provide open spaces, to encourage proper development of the community, or for the general welfare of the community. Such acquisitions may be within or outside the town;

(6) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by such state or federal agency having jurisdiction in such matters;

(7) To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detention, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the town; and to regulate the use thereof; and for such purposes property may be either acquired to taken under applicable laws;

(8) To require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of snow, debris or other material;

(9) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The town shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made;

(10) To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(11) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts;

(12) To define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the town;

(13) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the town, and to provide for the enforcement of such standards;

(14) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift or humane killing when not redeemed as provided by ordinance;

(15) To regulate and license vehicles operated for hire in the town, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles;

(16) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture up to the limits prescribed by the general laws of the State of Tennessee;

(17) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans;

(18) To establish codes containing specifications of minimum standards for building, electric, fire safety, gas and plumbing of all structures, commercial or residential, within the community;

(19) To establish and regulate a municipal court in accordance with the general laws of the State of Tennessee;

(20) To regulate the sale of beer within the municipality in accordance with the general laws of the State of Tennessee. These powers shall include but not be limited to the establishment and operation of a beer board, the issuance of permits and setting of standards for applicants of said permits, location of retailers and physical standards for such locations, the establishment of classes of permits according to whether beer is sold for on or off premises consumption, limitation on the number of permits to be issued and the

authority to suspend, revoke or fine permit holders for the violation of such regulating ordinances.

(21) Regulate the operation of peddlers, solicitors and yard sales within the community. These powers shall include but not be limited to the authority to issue permits and require such for said activities, limit the hours and locations of such, including limiting the amount of time "going out of business" sales may be continued.

(22) Prohibit offenses against the peace and dignity of the municipality including, but not limited to, disturbing the peace through loud and boisterous conduct, blowing of horns except as a warning or in case of emergencies, extraordinarily loud playing of radios or other apparatus for the replication of sound and limits on excessive noises near churches, schools or hospitals.

(23) Prohibit interference with public operations or personnel including, but not limited to, the impersonation of government officials and employees and the turning in of false emergency alarms for either fire, police or medical aid.

(24) Prohibit the discharge of air rifles or pistols, "BB" guns, slingshots and firearms within the municipality.

(25) Prohibit the abandoning of any refrigerator, cave, well or cistern in an unsecured manner in any location accessible to children.

(26) Regulate the posting or erection of any sign, leaflet or other notice.

(27) Regulate the uses of land in accordance with the general laws of the State of Tennessee.

(28) Regulate the location, size, individual lot size, water and electrical supply, sewage and garbage disposal, streets and parking areas, and require permits and permit fees of mobile home parks within the municipality.

(29) Regulate the disposal of refuse within the Town. These powers shall include but not be limited to the size and location of containers for such disposal, dates and times of refuse pick up, designation of authorized sites of disposal and prohibition against disposal at unauthorized sites and the setting of fees for said disposal.

(30) Regulate the use of water within the municipality. Such powers shall include but not be limited to the requirement of an application for service, the establishment of temporary service charges and connection fees, extension of water and sewer services,

use of meters requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services.

(31) To regulate the use of sewers and the discharge of wastewater within the community pursuant to the laws of the State of Tennessee and the United States. Such powers shall include but not be limited to the establishment of permits, fees and billing procedures, requirement of connection to public sewers if such service is offered, regulations and specifications for private domestic wastewater disposal if public sewer service is unavailable, industrial monitoring and inspection, rules on the content and amount of discharge and enforcement and abatement of cases of violations of such provisions;

(32) To regulate the use of natural gas if such service is offered by the municipality. Such powers shall include but not be limited to the establishment of temporary service charges and connections fees, extensions of services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services;

(33) To provide for penalties to be assessed for violation of any ordinance declared as a result of the act;

(34) To establish and regulate a police department and fire department; and

(35) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the town and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the state.

**SECTION 5. Municipal elections, terms and oath of office --** The Board of Mayor and Aldermen shall consist of a Mayor, who shall serve a four (4) year term, and seven (7) Aldermen, who shall also serve four (4) year terms. The Mayor and Aldermen shall all be elected at large. The candidate for Mayor receiving the highest number of votes shall be declared elected and the seven (7) candidates receiving the highest number of votes for Alderman shall be declared elected. In case of a tie vote for Mayor or for

an Alderman position, the incumbent Board of Mayor and Aldermen shall decide by vote which of the candidates shall serve.

On the second (2nd) Tuesday in January, 2000, a non-partisan election shall be held to elect a Mayor and Board of Aldermen. Thereafter, a non-partisan election shall be held on the second (2nd) Tuesday in January every four (4) years concurrent with the regular election to elect a Mayor and Board of Aldermen. Terms of office for the Mayor and Aldermen shall begin upon their swearing in at the next regularly scheduled meeting following their election.

Before a person takes any office in the town government, he shall subscribe to the following oath or affirmation, administered by a judge of the State of Tennessee: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the charter and ordinances of the town of Hornbeak, and that I will faithfully discharge the duties of the office of \_\_\_\_\_."

Any qualified elector who has been a resident of the town for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

**SECTION 6. Restriction on candidates** -- Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be unlawful, and any person convicted thereof shall be ineligible to hold an office or position of employment in the town government for a period of ten (10) years.

#### **SECTION 7. Board of Mayor and Aldermen**

(a) The Mayor and seven (7) Aldermen elected under this charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the town, except as otherwise provided in this charter;

(b) The compensation of the Mayor and Aldermen shall be set by ordinance. After 1999, the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor, Alderman and Town Attorney may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties;

(c) The Board of Mayor and Aldermen shall meet regularly on the first Tuesday of every month at the times and places prescribed by ordinance. The Board shall meet in special session on written notice of the Mayor or any four (4) Aldermen and serve on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting; and

(d) A majority of the Board of Mayor and Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes shall be recorded in the journal. The Board may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

**SECTION 8. Mayor as presiding officer** -- The Mayor shall preside at meetings of the Board. He will have a vote on matters coming before the Board only to break a tie. He shall be recognized as the ceremonial head of the town. He shall be the officer to accept process against the town, and shall perform other duties imposed by the charter and by ordinances not inconsistent with this charter.

**SECTION 9. Vice-Mayor** -- There shall be a Vice-Mayor who shall be selected at the first meeting after each election by the Board from among their number and his compensation, if any, shall be fixed by said Board. The term of office of the Vice-Mayor shall be for a period of four (4) years. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill out the unexpired term. If the Vice-Mayor is filling out a term in the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 10. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

**SECTION 10. Vacancy on Board** -- The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the town, is convicted of malfeasance or misfeasance in office, a felon, a violation of this charter of election laws of the state, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

**SECTION 11. Restrictions on Aldermen** -- The Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing herein contained shall prevent the Board from conducting such inquiries into the operations of the town government and the conduct of the town's affairs as it may deem necessary.



SECTION 12. **Ordinances** -- Any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this charter or the general laws of the state, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the Town of Hornbeak". Every ordinance must be approved on two (2) readings and there shall be no more than one(1) reading on any one (1) day. A majority of the Board of Aldermen shall vote in favor of an ordinance or it shall be deemed as failed. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and being signed by the Mayor unless a different effective date is designated in the ordinance.

Ordinances shall be identified with a two (2) part numeration. The first part shall consist of the two (2) digits representing the last two (2) digits of the year the ordinance was introduced. The second part shall be the number of it's order of introduction that year.

All duly enacted ordinances and this charter shall be compiled in a well bound volume(s) to be known as the "Hornbeak Municipal Code."

SECTION 13. **Organization of town government** -- The town government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions or employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

SECTION 14. **Administrative duties of Mayor** -- The Mayor shall be the chief executive officer of the town. The Mayor:

- (1) Shall have access to all of the books, records, offices and papers of every kind pertaining to the town's business;
- (2) Shall present in writing or verbally to the Board his recommendations on the needs of the town;
- (3) May make temporary appointments to the offices of Recorder, Attorney, or Judge in cases of absence or other temporary disability. Temporary appointment shall be effective until such time as they are confirmed or rejected by the Board;
- (4) Shall make appointments to boards and commissions as authorized by law, upon the approval of the Board;

(5) Shall take all proper measures for the preservation of public order and preservation of the peace and he may call upon the Governor for aid;

(6) Shall sign all checks and drafts drawn upon by the Recorder; and

(7) Shall sign all contracts authorized by the Board to which the town is a party.

**SECTION 15. Town Recorder --** The Board shall appoint a Town Recorder.

The Recorder shall keep and preserve the town seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records. The Recorder shall maintain the Hornbeak Municipal Code in current and usable manner and shall furnish the Mayor and each Alderman with a copy of said code upon his assuming office for his use during this term in office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

The Recorder shall serve as Treasurer and as such shall receive and keep safely all funds of the town and shall pay out same upon warrants signed by him and the Mayor.

**SECTION 16. Town Attorney --** The Board shall appoint a Town Attorney. The Town Attorney shall be responsible for advising the board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

**SECTION 17. Town Judge --** A Town Judge shall be appointed by the Board. A person designated by the Board shall serve in the absence or incapacity of the judge.

The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the town, and costs in such trials shall be fixed by ordinance. The Town Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which the court of general sessions have to fine for contempt. Penalties shall not exceed five hundred dollars (\$500.00) in amount. The sole compensation for serving as Town

Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the town and shall be paid into the town treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the Town Judge shall be fixed by the Town Judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in duplicate; the original to the depositor, duplicate and money to the Recorder to be kept on file in the Recorder's office.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the Town Judge shall commit the offender to the appropriate facility for incarceration until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the town court shall be deposited with the Recorder and the Town Judge shall make monthly reports thereof to the Board

The Town Judge shall keep a docket of all cases handled by him. The Town Judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the town shall attempt to influence his decision except through pertinent facts presented in open court.

**SECTION 18. Officers and employees** -- Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled unless an emergency that demands the immediate filling of a position arises. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of person having the qualifications desired.

**SECTION 19. Personnel actions** -- Only offices and positions of employment provided for in the annual budget, as provided by the Board, shall be filled. In determining salaries, due consideration shall be given to the duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work and availability of persons having the qualifications desired.

**SECTION 20. Bonds** -- The Recorder and such other officers and employees as may be designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board with some surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties

thereto shall be subject to approval by the Board and the cost of such bonds shall be paid by the town.

SECTION 21. **Political activity** -- No full-time employee of the town shall continue in the employment of the town after becoming a candidate for nomination or election to any town office, but this provision shall not apply to Mayor, Aldermen, members of the Board or commissions, the Town Attorney or the Town Judge.

No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the town government.

No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the town in connection with any town election.

It shall be unlawful for any person who by himself or with others to willfully or corruptly violate any provision of this section, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the town government for a period of ten (10) years thereafter.

SECTION 22. **Prohibited acts** -- No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the town.

SECTION 23. **Fiscal year** -- The fiscal year of the town government shall begin on the first (1st) day of July and shall end on the thirtieth (30th) day of June the succeeding year.

SECTION 24. **Annual budget** -- Prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the General Fund and Street Fund, each utility, and each other fund the following:

- (a) revenue and expenditures during the preceding year;
- (b) estimated revenue and expenditures for the current fiscal year;
- (c) estimated revenue and recommended expenditures for the next fiscal year, and
- (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary.

A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Alderman.

**SECTION 25. Public hearing on budget** -- After receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one time in a newspaper having general circulation in the town. The publication shall appear with appropriate notice of the date of the hearing.

**SECTION 26. Adoption of budget** -- After the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year after appropriate notice is published in the newspaper and a public hearing before the Board.

**SECTION 27. Control of expenditures** -- The Board shall be responsible for controlling expenditures of the various agencies of the town government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

**SECTION 28. Unauthorized contract or expenditures** -- Any contract or agreement made in violation of the provisions of this charter or ordinances of the town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his removal.

**SECTION 29. Sale of property** -- The Mayor may sell town property which is obsolete, surplus or unusable; provided, however, that any sale for more than five hundred dollars (\$500) or any sale of real estate shall be subject to approval by the Board.

**SECTION 30. Bonds on contracts** -- Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

**SECTION 31. Property taxes** -- All property subject to taxation shall be subject to the property tax levied by the town pursuant to the general laws of the State of Tennessee.

**SECTION 32. Omitted property** -- The Town Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the town.

**SECTION 33. Tax levy** -- The Board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. Said levy shall be made in a manner pursuant to the general laws of the State of Tennessee.

**SECTION 34. Tax due dates and tax bills** -- The due dates of property taxes and method of payment of such taxes shall be fixed by ordinance. The town shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

**SECTION 35. Collection of delinquent taxes** -- The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the town under the laws governing execution of such process; or by the county trustee as provided by general law; or by the Town Attorney acting in accordance with general laws providing for the collection of delinquent town or county taxes; by garnishment; by suits in chancery; or by any two or more of the foregoing methods, or by the use of any other available legal processes and remedies.

**SECTION 36. Collection of taxes by county** -- The town may contract with the county for the collection of taxes. The contract may provide for reasonable fees to be paid to the county for this service.

**SECTION 37. Taxes not to be excused** -- No officer or employee of the town shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the town, but errors may be corrected when authorized by the Board.

**SECTION 38. Disbursement by check** -- All disbursements, except for any agency of the town administered by a board or commission, shall be made by checks signed by the Town Recorder and countersigned by the Mayor. The Board may designate other officers to sign such checks in the absence or disability of the Mayor or Town Recorder.

**SECTION 39. Official Depository** -- The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the town, with such collateral security as may be deemed necessary by the Board.

SECTION 40. **Cooperative agreements and contracts** -- In addition to other powers granted in this charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the exercise of any power or function which the town is authorized to undertake by this charter.

SECTION 41. **Other general laws** -- Notwithstanding any provision of this charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the state, in lieu of or in addition to provisions of this charter.

SECTION 42. **Penalties** -- The violation of any provision of this charter, for which a penalty is not specifically provided herein, is hereby declared to be unlawful, and persons guilty of such violations may be fined as permitted.

SECTION 43. **Ordinances to continue in effect** -- All ordinances, resolutions and bylaws of the town of Hornbeak not inconsistent with the act shall remain in full force and effect until modified or repealed in accordance with the provisions of this act.

SECTION 44. **Terms of incumbents** -- Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 45. **Repealed acts** -- Chapter 692 of the Private Acts of 1923, as amended by Chapter 306 of the Private Acts of 1935, Chapter 313 of the Private Acts of 1959, and all other acts amendatory thereto, are repealed.

SECTION 46. **Severability** -- If any article, section, subsection, paragraph, sentence, or part of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 47. **Applicability** -- This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Hornbeck within one hundred twenty (120) days after the passage of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the Town of Hornbeck and certified by the Mayor to the secretary of state within ten (10) days thereafter.

SECTION 48. **Effective date** -- For the purpose of approving or rejecting the provisions of this act, it shall be effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 47.

On motion, Amendment No. 1 was adopted.

Rep. Pinion moved that **House Bill No. 2000**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 394** -- Courts - Makes certain changes to allow for addition of in-house collection procedure to collect fines, litigation taxes, and costs. Amends TCA Title 40, Chapter 24. by \*Kent. (SB645 by \*Person)

Further consideration of House Bill No. 394, previously objected to on today's Consent Calendar. The rules were suspended to allow House Bill No. 394 to be placed at the Heel of today's Regular Calendar.

On motion, House Bill No. 394 was made to conform with **Senate Bill No. 645**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 645 be passed on third and final consideration.

Rep. Cole (Carter) moved the previous question, which motion prevailed.

Rep. Kent moved that **Senate Bill No. 645**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes.....	94
Noes .....	2
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Jones U. -- 2.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 529** -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by \*Williams (Williamson). (\*SB626 by \*Davis L)

Further consideration of House Bill No. 529, previously considered on today's Calendar.

Without objection, House Bill No. 529 was moved to the heel of the Calendar.

**\*House Joint Resolution No. 63** -- Memorials, Government Officials - Urges U.S. District Court Judge John T. Nixon to recuse himself from hearing appeals arising from death penalty convictions. by \*McKee, \*Cole (Dyer), \*Phelan, \*Gunnels, \*Rinks, \*Roach, \*Buck, \*Pinion, \*Westmoreland, \*Davis R, \*Stamps, \*Maddox, \*Pleasant, \*Haley, \*Hargett.

Further consideration of House Joint Resolution No. 63, previously considered on today's Calendar.

Rep. McKee moved that House Joint Resolution No. 63 be adopted.

Rep. Ritchie moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 63 in the fourth WHEREAS clause of the preamble by deleting the language "on grounds that could only charitably be described as technical".

On motion, Amendment No. 1 was adopted.

Rep. Brown moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Joint Resolution No. 63 by deleting the caption and by substituting instead the following:

A RESOLUTION concerning the federal judiciary.

AND FURTHER AMEND by inserting the following resolving clauses immediately after the first resolving clause:

BE IT FURTHER RESOLVED, That this General Assembly hereby most fervently urges and encourages the Honorable Clarence Thomas, United States Supreme Court Justice, to recuse himself from hearing appeals of cases which present significant civil rights issues.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives is directed to transmit a certified copy of this resolution to Justice Thomas.

Rep. Brown moved to withdraw the motion to adopt Amendment No. 2, which motion prevailed.

Rep. Brown moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Langster moved the previous question, which motion prevailed.

Rep. McKee moved that **House Joint Resolution No. 63**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.....	87
Noes .....	8
Present and not voting.....	2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton,

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Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Armstrong, Brooks, Brown, Langster, Pruitt, Towns, Turner (Shelby), Windle -- 8.

Representatives present and not voting were: DeBerry L., Fowlkes -- 2.

A motion to reconsider was tabled.

**House Bill No. 529** -- Real Estate Agents and Brokers - Enacts "Commercial Real Estate Broker Protection Act." Amends TCA Title 62. by \*Williams (Williamson). (\*SB626 by \*Davis L)

Further consideration of House Bill No. 529, previously considered on today's Calendar.

Rep. Williams moved that House Bill No(s). 529 be reset for the Regular Calendar on Tuesday, May 27, 1997, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 615** -- Criminal Offenses - Creates Class A misdemeanor offense of installing electronic tracking device in car without consent of occupants for purpose of monitoring occupants Amends TCA Title 39, Chapter 13, Part 6. by \*Westmoreland, \*Bird, \*Cole (Dyer). (SB1175 by \*Ramsey, \*Cohen)

**Senate Amendment No. 2**

AMEND House Bill No. 615 by designating the language of Section 1(b) as subdivision "(b)(1)" and by inserting the following new language, to be designated as subdivision "(b)(2)":

(2) If the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases such vehicle, and if such device is used solely for the purpose of monitoring the minor child of such parent or legal guardian when such child is an occupant of such vehicle, then the installation, concealment or placement of such device in or on such vehicle without the consent of any or all occupants in such vehicle shall not be a violation.

**Senate Amendment No. 3**

AMEND House Bill No. 615 by deleting from Section 1(c) the words and letter "Class A misdemeanor" and by substituting instead the following:

Class C misdemeanor

**Senate Amendment No. 4**

AMEND House Bill No. 615 by deleting from Section 2 the figures and symbol "1998," and by substituting instead the following:

1997,

**Senate Amendment No. 5**

AMEND House Bill No. 615 by deleting from subsection (a) of Section \_\_\_\_ of the amendatory language of SECTION 1 as amended the language "all occupants in" and substituting instead the language "all owners of".

FURTHER AMEND by designating the existing language of subsection (a) of Section \_\_\_\_ of the amendatory language of SECTION 1 as amended as (a)(1) and by adding the following new subsection (a)(2):

(2) As used in this section "person" shall not include the manufacturer of the motor vehicle.

FURTHER AMEND by designating the existing language of subsection (b) of Section \_\_\_\_ of the amendatory language of SECTION 1 as amended as (b)(1) and by adding the following new subsection (b)(2):

(2) It shall also not be a violation of this section if the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is for the purpose of tracking the location of stolen goods being transported in such vehicle or for the purpose of tracking the location of such vehicle if it stolen.

FURTHER AMEND by adding the following new subsection (c) to Section \_\_\_\_ of the amendatory language of SECTION 1 as amended and by relettering existing subsection (c) accordingly:

(c) The provisions of this section shall not apply to a tracking system installed by the manufacturer of a motor vehicle.

Rep. Westmoreland moved that the House concur in Senate Amendment(s) No(s). 2, 3, 4 and 5 to **House Bill No. 615**, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1491** -- Financial Disclosure - Prohibits requiring certain financial and other disclosure statements from employees in the career service. Amends TCA Title 8. by \*Chumney, \*Ridgeway. (\*SB1076 by \*Haynes)

Rep. Chumney moved that House Bill No(s). 1491 be reset for the Message Calendar on Tuesday, May 27, 1997, which motion prevailed.

#### **MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 339; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 339** -- Purchasing - Authorizes local governments to purchase items locally without competitive bids if item available locally at same or lower cost than state contract Amends TCA Title 12, Chapter 3, Part 10. by \*Rhinehart, \*Bone. (SB303 by \*Rochelle)

#### **Senate Amendment No. 1**

AMEND House Bill No. 339 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall have no effect unless it is approved by a two-thirds (2/3) vote of the local legislative body and such approval is filed with the comptroller of the treasury.

**Senate Amendment No. 3**

AMEND House Bill No. 339 by adding the following as a new section of the printed bill and by redesignating the subsequent section according:

Section 2. The provisions of this act shall be permissive relative to sellers of motor vehicles.

**Senate Amendment No. 4**

AMEND House Bill No. 339 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The legislative body of a county by resolution and a municipality by ordinance may establish and adopt a program to encourage participation in government purchasing programs by minority-owned businesses. Such programs may include set-aside provisions which conform to federal law.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1, 3 and 4 to **House Bill No. 339**, which motion prevailed by the following vote:

Ayes.....	90
Noes .....	0
Present and not voting.....	5

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Beavers, Brooks, Buck, Ferguson, Goins -- 5.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1714. The Senate nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 1714** -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by \*Atchley. (\*HB1519 by \*Rhinehart)

Rep. Rhinehart moved that the House refuse to recede from its action in adopting House Amendment No. 2 to **Senate Bill No. 1714**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1062** -- Custody and Support - Requires that certain parental rights be incorporated into prior orders of court. Amends TCA Title 36, Chapter 6 and Section 49-6-902. by \*McMillan, \*Patton, \*Sands, \*Boyer, \*Turner (Hamilton), \*McDaniel. (\*SB746 by \*Cohen)

**Senate Amendment No. 1**

AMEND House Bill No. 1062 by deleting the first sentence of the amendatory language of Section 1(3) and substituting instead the following:

(3) Except when the court finds it not to be in the best interests of the affected child, each order pertaining to the custody or possession of a child arising from an action for absolute divorce, divorce from bed and board or annulment shall grant to each parent the rights listed in subdivisions (A) through (F) during periods when the child is not in that parent's possession or shall incorporate such rights by reference to a prior order. Other orders pertaining to custody or possession of a child may contain the rights listed in subdivisions (A) through (F). The referenced rights are as follows:.

**Senate Amendment No. 2**

AMEND House Bill No. 1062 by deleting Section 3 and by substituting instead the following:

SECTION 3. This act shall take effect on July 1, 1997, the public welfare requiring it.

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1062**, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson,

Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### MESSAGE FROM THE SENATE

May 22, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1052. the Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 3; withdrew Amendment No. 3; adopted Amendment No. 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1052** -- Domestic Violence - Permits court ordered mediation where order of protection in effect or where allegation of domestic violence but order of protection not in effect if victim requests mediation, mediator is certified and advocate for victim may be present Amends TCA Title 36. by \*McMillan, \*Eckles, \*Chumney, \*Turner (Hamilton), \*Pleasant, \*Haley, \*Hargett, \*Patton, \*Ford S, \*Jackson. (\*SB793 by \*Burks, \*Cohen, \*Davis L, \*Dixon, \*Crowe, \*Harper)

### Senate Amendment No. 4

AMEND House Bill No. 1052 by deleting subsection (c) of Section \_\_\_ of the amendatory language of Section 1, 2, and 3 and by substituting instead the following:

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to, an attorney or advocate. No victim may provide monetary compensation to a non-attorney advocate for attendance at mediation.

Rep. McMillan moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1052**, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley,



Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1925; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1925** -- County Government - Requires each county official to adopt certain personnel policies. Amends TCA Title 8. by \*Curtiss. (SB1895 by \*Rochelle)

**Senate Amendment No. 1**

AMEND House Bill No. 1925 by adding before the period at the end of the second sentence of Subsection (d) of Section 3 the following:

; such list shall include and shall be limited to all departments, agencies and boards whose funds are handled through the office of the county trustee.

AND FURTHER AMEND by adding to the end of Subsection (d) of Section 3 the following sentence.

Any governmental agency or entity whose funds are not handled through the office of the county trustee may, by action of the governing board of such agency or entity, adopt for such agency or entity the personnel policies filed in the office of the county clerk in accordance with this subsection.

**Senate Amendment No. 3**

AMEND House Bill No. 1925 by deleting Section 9 in its entirety and substituting instead the following:

SECTION 9. If a court finds a county liable as a result of acts or omissions by any official or employee in connection with the requirements of this act or any policies adopted pursuant to this act, then the county shall have a right of action for reimbursement against the official or employee whose conduct resulted in liability for the county not covered by insurance, where the conduct of the official or employee was intentional and knowing and constituted illegal behavior in the workplace. For purpose of this section, the words "intentional" and "knowing" have the same meanings as defined in Section 39-11-302. An official's or employee's conduct shall not constitute knowing or intentional illegal conduct in the workplace if the conduct was based on the written advice or opinion of the county attorney or the official's or employee's legal counsel.

Rep. Curtiss moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to **House Bill No. 1925**, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 599. the Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3; adopted Amendment No. 12; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 599** -- County Officers - Revises qualifications for sheriffs Amends TCA Section 8-8-102. by \*McDonald, \*Hargrove, \*Rinks, \*Westmoreland, \*Eckles, \*Cole (Carter), \*Huskey, \*Naifeh, \*Rhinehart, \*Mumpower, \*Godsey, \*Bird, \*Cole (Dyer). (\*SB376 by \*Atchley, \*Crutchfield)

**Senate Amendment No. 5**

AMEND House Bill No. 599 by deleting the amendatory language of Section 1 and by substituting instead the following:

The requirements of subsection (a) shall apply to any person who holds the office of sheriff on the effective date of this act. However, in order to qualify for any subsequent election or appointment to the office of sheriff, such person shall meet the requirements of subsection (b).

AND FURTHER AMEND by deleting from the amendatory language of Section 2(b) the words and punctuation "To qualify for election or appointment to the office of sheriff a person shall:" and by substituting instead the following:  
After the effective date of this act, to qualify for election or appointment to the office of sheriff a person shall:

AND FURTHER AMEND by deleting Section 2(b)(10).

AND FURTHER AMEND by deleting Section 2(d) and by substituting instead the following:

(d) Every person who is elected or appointed to the office of sheriff after the effective date of this act shall, annually during such term of office, complete a forty (40) hour in-service training course appropriate for the rank and responsibilities of a sheriff. The training course shall be taught at the Tennessee Law Enforcement Training Academy. The curriculum shall be developed by the Tennessee Sheriff's Association and approved by the Tennessee Peace Officer Standards and Training Commission. Any such sheriff who does not fulfill the obligations of this training course shall lose his or her powers of arrest.

**Senate Amendment No. 7**

AMEND House Bill No. 599 by deleting from subsection (b)(5) of the amendatory language of SECTION 2 the language "or placed under an order of protection from any court".

**Senate Amendment No. 11**

AMEND House Bill No. 599 by removing from the amendment the words "without pay".

**Senate Amendment No. 12**

AMEND House Bill No. 599 by deleting the second sentence of subsection (e) of Section 2, as amended by the House, and by substituting instead the following:

However, if such a person qualifies to run for the office of sheriff and is elected to the office, such person shall be required to enroll, within six (6) months after taking office, in the recruit training program offered by the Tennessee law enforcement training academy.

Rep. McDonald moved that the House concur in Senate Amendment(s) No(s). 5, 7, 11 and 12 to **House Bill No. 599**, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	1
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Sharp -- 1.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

#### MESSAGE FROM THE SENATE

May 22, 1997

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1936. the Senate nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

#### NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 27, 1997:

**House Bill No. 1936:** by Rep. McKee

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Hargrove moved to suspend Rule No. 80(1) so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week.

Rep. Hargrove moved to suspend the rules to allow all bills placed on the Calendar for Monday, May 26, 1997, to be moved to the Calendar for Tuesday, May 27, 1997, which motion prevailed.

**ANNOUNCEMENTS**

Rep. Hargrove moved that the House adopt the House Weekly Schedule, which motion prevailed.

**HOUSE WEEKLY SCHEDULE**

**MONDAY, MAY 19, 1997:**

<b>5:00</b>	<b>SESSION</b>	<b>HOUSE CHAMBER</b>
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**TUESDAY, MAY 20, 1997:**

8:00	CALENDAR & RULES COMMITTEE	ROOM 16
8:45	EMPLOYEE SUBCOMMITTEE	ROOM 31
9:00	COMMERCE COMMITTEE	ROOM 16
9:00	GOVERNMENT OPERATIONS COMMITTEE	ROOM 29
9:00	CONSUMER & EMPLOYEE AFFAIRS COMMITTEE	ROOM 31
10:00	ALLIED HEALTH SUBCOMMITTEE	ROOM 29
10:00	AGRICULTURE COMMITTEE	ROOM 31
10:15	HIGHER EDUCATION SUBCOMMITTEE	ROOM 16
10:30	EDUCATION COMMITTEE	ROOM 16
10:30	MENTAL HEALTH SUBCOMMITTEE	ROOM 30
10:30	DUI SUBCOMMITTEE	ROOM 31
11:00	TRANSPORTATION COMMITTEE	ROOM 16
12:00	HEALTH & HUMAN RESOURCES COMMITTEE	ROOM 16
12:00	FAMILY JUSTICE SUBCOMMITTEE	ROOM 31
1:30	FINANCE, WAYS & MEANS COMMITTEE	ROOM 16
1:30	CIVIL PRACTICE SUBCOMMITTEE	ROOM 30
2:00	CRIMINAL PRACTICE SUBCOMMITTEE	ROOM 30
2:45	LOCAL GOVERNMENT SUBCOMMITTEE	ROOM 16
3:00	STATE & LOCAL GOVERNMENT COMMITTEE	ROOM 16
3:00	JUDICIARY	ROOM 30

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

WEDNESDAY, MAY 21, 1997:

8:00	CALENDAR & RULES COMMITTEE	ROOM 16
8:30	STUDY RESOLUTION SUBCOMMITTEE	ROOM 16
8:30	CHILDREN AND FAMILY AFFAIRS COMMITTEE	ROOM 29
9:00	TRANSPORTATION COMMITTEE (IF NEEDED)	ROOM 16
10:30	JUDICIARY COMMITTEE (IF NEEDED)	ROOM 16
11:00	BUDGET SUBCOMMITTEE	ROOM 29
1:00	SESSION	CHAMBER

THURSDAY, MAY 22, 1997:

8:00	CALENDAR & RULES COMMITTEE	ROOM 16
9:00	SESSION	CHAMBER

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 513:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 570:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 693:** Rep(s). Givens as prime sponsor(s).

**House Bill No. 694:** Rep(s). Halteman Harwell, Arriola and Turner (Hamilton) as prime sponsor(s).

**House Bill No. 697:** Rep(s). Davis, Cooper, Rinks, Fitzhugh, Lewis, Boner, Miller, McKee, Towns, Langster, Arriola, Davidson, Haley, Pruitt, Turner (Hamilton), Rhinehart, Robinson, Hood, Brown, McMillan, Armstrong, Ridgeway, Kent, Gunnels, Whitson, Dunn, Head, Bowers, Sharp, Stulce, Caldwell, Godsey, Curtiss, Cross, West, Williams, Bone, Huskey, Pleasant, Phelan, White, Fowlkes, Kernell, Halteman Harwell, Beavers, Mumpower, Tindell, Bird, Cole (Dyer), Brooks, Fraley, Sands, Winningham, Westmoreland, Givens, Phillips, Roach, Cole (Carter), Sargent, Walker, Pinion Turner (Shelby), U. Jones, Windle and J. DeBerry as prime sponsor(s).

**House Bill No. 756:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 766:** Rep(s). Kent, Maddox, Fraley and Cole (Carter) as prime sponsor(s).

**House Bill No. 776:** Rep(s). Walker, Sharp, Bittle, Stulce, Wood, McAfee and McDaniel as prime sponsor(s).

**House Bill No. 1036:** Rep(s). L. DeBerry as prime sponsor(s).

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

**House Bill No. 1399:** Rep(s). Lewis as prime sponsor(s).

**House Bill No. 1404:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1613:** Rep(s). Mumpower, Cole (Carter), Patton, Hicks as prime sponsor(s).

**House Bill No. 1767:** Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

**House Bill No. 1922:** Rep(s). Goins, Patton, Fraley and Ford as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 241, 300, 308 and 309; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 241** -- General Assembly, Studies - Continues for one year special joint committee created by HJR 448, Part II of 99th General Assembly to study issues relating to child custody, divorce and child support. by \*Henry.

**\*Senate Joint Resolution No. 300** -- Highway Signs - "L. B. Hassler Bridge," Obey River branch, Dale Hollow Lake on S.R. 42/111, Pickett County. by \*Burks, \*Davis L, \*Henry.

**Senate Joint Resolution No. 308** -- Memorials, Interns - Renee Chapman. by \*Haynes.

**Senate Joint Resolution No. 309** -- Memorials, Sports - Gordonsville High School girls' basketball team. TSSAA Class A State Tournament Semi-finalist. by \*Rochelle.

**ENGROSSED BILLS**

**May 22, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 333 and 347.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 54 and 347; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 22, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 2005.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 800, 801, 1162 and 1259; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 21, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 142, 286, 302, 303, 304 and 305; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 22, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 642 and 2006, also, House Joint Resolution(s) No(s). 130, 222, 242, 244, 329, 332, 334, 335, 336, 337, 338, 339, 340, 342, 343 and 344.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 182; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 383, 1620 and 1755; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.



**ENGROSSED BILLS**

**May 22, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 47, 612, 1424, 1424 and 1756.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 215, 273, 665, 838, 848, 1075, 1202, 1218, 1340, 1345, 1791 and 1909; also, House Joint Resolution(s) No(s). 70 and 84; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 400, 518, 716, 777, 800, 888, 1341 and 1810; also, Senate Joint Resolution(s) No(s). 183, 197, 201, 202, 250, 251, 257, 258, 261, 262, 263, 264, 266, 267, 271, 272, 274, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291 and 292 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 22, 1997**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1160, 1636 and 2000, also, House Joint Resolution(s) No(s). 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 22, 1997**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 215, 273, 665, 838, 848, 1075, 1202, 1218, 1340, 1345, 1791 and 1909; also, House Joint Resolution(s) No(s). 70 and 84.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 22, 1997**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 267, 300, 494, 849, 1056, 1208, 1524, 1531, 1848, 1982, 1987 and 1989, with his approval.  
COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 627, 1562, 1618, 1706, 1819 and 1907; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 627** -- Pensions and Retirement Benefits - Provides for funding of pension benefits for past service of employees of defunct local governments through bonds issued for public works projects under Local Government Public Obligations Act of 1986. Amends TCA Title 9, Chapter 21, Part 1. by \*Gilbert, \*Atchley, \*McNally.

**\*Senate Bill No. 1562** -- District Attorneys - Creates additional assistant district attorney and criminal investigator positions in specified judicial districts. Amends TCA Section 16-2-506. by \*Crutchfield.

**\*Senate Bill No. 1618** -- University of Tennessee - Authorizes board of trustees to create private nonprofit corporation to operate University of Tennessee Memorial Research Center and Hospital. Amends TCA Title 49, Chapter 9. by \*Atchley.

**\*Senate Bill No. 1706** -- Business Organizations - Mandates that secretary of state strictly administer and enforce all statutes requiring limited liability companies to file documents, submit information or pay fees; doubles LLC annual fees. Amends TCA Section 48-247-101 and Section 48-247-103. by \*Gilbert, \*McNally, \*Atchley, \*Elsa, \*Person, \*Jordan, \*Miller J, \*Ramsey, \*Williams, \*Carter, \*Crowe, \*Koella.

**\*Senate Bill No. 1819** -- Election Laws - Establishes criminal penalty for pattern of violation by PAC officers. Amends TCA Title 2, Chapter 10. by \*Gilbert.

**Senate Bill No. 1907** -- Historical Sites - Transfers administration of Cordell Hull birthplace from historical commission to department of environment and conservation; provides for personnel to manage such site. Amends TCA Title 4, Chapter 13, Part 6. by \*Burks, \*Davis L.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 214 and 246; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 214** -- Highway Signs - "Zane Whitson Overlook," scenic overlook on I-181, Clear Branch community, Unicoi County. by \*Haun.

**\*Senate Joint Resolution No. 246** -- General Assembly, Studies - Creates special joint committee to study methods for securing dedicated funding for public transportation. by \*Haun, \*Womack, \*Springer, \*Crutchfield, \*Crowe, \*Carter, \*Dixon.

**MESSAGE FROM THE SENATE**

**May 22, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 760; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**CONSENT CALENDAR**

**May 22, 1997**

The following local bills have been placed on the Consent Calendar for **May 27, 1997**: House Bill(s) No(s). 1977, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2020 and 2021.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton),

**THURSDAY, MAY 22, 1997 -- FORTY-SIXTH LEGISLATIVE DAY**

Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**RECESS MOTION**

On motion of Rep. Hargrove, and pursuant to House Joint Resolution 347, the House recessed until 3:00 p.m., Tuesday, May 27, 1997.